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031104  
U.S. PTO

## REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

17548 U.S. PTO  
10/797199  
031104  


DOCKET NUMBER: 50099-246

Prior Application:

Art Unit: 2818  
Examiner: Son Luu MAI

BOX

FEE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a Divisional application under 37 CFR 1.53(b) of pending prior application Serial No. 10/424,086, filed on April 28, 2003, entitled **MAGNETIC MEMORY DEVICE AND MAGNETIC SUBSTRATE**, by the following named inventor(s): Tatsuya KUNIKIYO, Katsumi EIKYU.

1.  I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))
    - i.  Deletion of inventor  
Please amend the application by deleting one inventor Mr. Shigenobu Maeda named in the prior application, in accordance with 37 CFR 1.63(d)(2) and 1.33(b).
3.  Incorporation By Reference (useable if Box 2b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4.  Preliminary Amendment is enclosed.
5.  An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6.  Cancel claims 5-18.

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7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

|   | NO. OF CLAIMS |     | EXTRA CLAIMS | RATE      | AMOUNT          |
|---|---------------|-----|--------------|-----------|-----------------|
| Total Claims  | 4             | -20 | 0            | \$18.00 = | \$0.00          |
| Independent Claims  | 1             | -3  | 0            | \$86.00 = | \$0.00          |
| Basic Application Fee                                     |               |     |              |           | \$770.00        |
| If multiple dependent claims are presented, add \$0.00    |               |     |              |           | \$0.00          |
| Total Application Fee                                     |               |     |              |           | \$770.00        |
| Subtract ½ if small entity                                |               |     |              |           | \$0.00          |
| <b>TOTAL APPLICATION FEE DUE</b>                          |               |     |              |           | <b>\$770.00</b> |
| <b>AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417</b> |               |     |              |           | <b>\$770.00</b> |

7a.  Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.

7b.  A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.

8a.  **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$770.00**

8b.  The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 10/424,086 or credit any overpayment to Deposit Account No. 500417.

9.  Amend the specification by inserting before the first line the sentence:  
--This application is a divisional of Application Serial No. 10/424,086 filed April 28, 2003, which is a divisional of Application Serial No. 09/989,155, filed November 21, 2001, U.S. Patent No. 6,567,299--

10.  Priority of Application Serial No. P2001-029426 filed on February 6, 2001, in Japan is claimed under 35 USC 119. The certified priority document(s) were filed in Serial No. 10/424,086 on April 28, 2003.

11.  The prior application is assigned of record to

**MITSUBISHI DENKI KABUSHIKI KAISHA**  
Tokyo, JAPAN

12.  The power of attorney in the prior application is to:

McDermott, Will & Emery

13.  Also enclosed:

51 Pages of Formal Drawings

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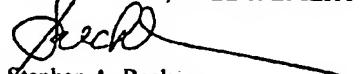
14.  A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Stephen A. Becker

Registration No. 26,527

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 SAB:mcw  
Facsimile: (202) 756-8087  
Date: March 11, 2004